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Davidson County Directory CITY GOVERNMENT

JOHN HUGH SMITH, Mayor. WILLIAM SHANE, Beoorder.

JOHN CHUMBLEY, Marshal.

Deputy Marshale-W. H. Wilklurger, A. C. Tocker nd James A. Steele. Clerks of the Market-John Chumbley, ex-opious, first

on L. Ryan, second ; and John Reddick , thord The Assence-William Sriver. Revenue Collector - A. H. Shankbund.

Water Tax Collector-E. B Garrets. Treamour-B. Hapry. What Master-Thomas Leak o. Reperintendent of the Wortheam-J. Q. Dodd.

Superintendent of the Water Works-James Wyatt. Chief of the Fire Department-John M. Scabory. Easter of the Cornetery-T, H. McBeldo. Street Overson -J. L. Stewart. City Afternry-John McPhali Smith.

CITY COUNCIL. Medical Pursepor's Office-Church atreet, Masonic Suriding. J. R. Previn, Surgeon, 6th Kentucky In-Board of Aldermen-M. M. Brien, Provident J. E. Newman, G. A. J. May Seld, G. A. Scovel, Wm. S. Cheutfantry, Acting Medical Purreyor. ham, J. C Smith, M. G. L Clarborne, and Jrs. Robb. Common Council-W. P. Jones, President; William

gate, A. J. Cole, Jas. Davis, Andrew Anderson, J. E. Knowles, and John Cready. STANDING COMMITTEES OF THE CITY COUNCIL. Finance-Ruowles, Scovel and Cate. Water Works-Anderson, Smith and Clatterne. Streets - Yarbrough, Turner, Southgate, Davis, Helep,

May Seld, Cheatham and Calberne Wherf-Newman, Stewart and Turner Haspital-Jones, Maybel I and Davis. Schools-Cheatham, May Beld and Know es Fire Department-Cready, Deper and Newman. Gus-Driver, Cheutham and Davis Concluy-Fmith, Stowart and Newman Market House Moberts, Stewart and Turnor.

Slover-Hough, Chiborne and Bavis. Police-Cheatham, Brien and Anderson. ings -- Hough, Claiborne and Brich. Worldonts-Chentlenn, Mayfield and Knowley. Improvements and Espenditures-Cole, Scovel and

Public Property-Strien, Cheatlann and Turner. Pest House-Mayfield, Jones and Roberts. or The Board of Alderman meets the Tourday

next preceding the second and fourth Thursdays in each menth, and the Common Council the second and fourth Thursdays in each menth.

NIGHT POLICE.

Ciptain-John Baugh. First Lientenant-Wm. Yarbrough. coul Lacatement-John H. Davis. vis, Joel Phil'ips, Wm. Baker, John Cottrell, William Mayo, John Engles, J. W. Wright, John Puckett,

Robert Scott, W. C. Francis, Thomas Francis, Andrew Joyce, David Vates, and Charles Hullt. The Police Court is opened every morning a

COUNTY OFFICERS.

Sheriff-James M. Hinton. Deputies - Thomas Hole Register-Philpean Garrett. Treasur-W. Jasper Taylor. Rouger-John Coybitt: Revenue Collector J. G. Britay. Balleond The Collecter W. D. Balterkson. Constables for the Bushville District-John D. C.

COUNTY COURT. Judge-Hon. James Whith orth-

and J. E. Newman.

Olera-P. Lindsley Socket. ANT The Judge's Court meses the first Monday it each month, and the Quarterly Court, composed of the Magistrates of the County, is hold the first Mon day in January, April, July and October.

CIRCUIT COURT.

Judge-Hon. Nathaniel Baxter.

Clerk-David C. Love. The Court meets the Sind Monday in March and September. CRIMINAL COURT.

Judge-Bon, William K. Teener. Clerk-Charles E. Diggouis.

war The Court meets the first Monday In April, An cust and December.

CHANCERY COURT. Chesceller-Hon, Samuel D. Friercon.

Clerk and Master-J. E. Sriveres. are the fourt meets the light Monday in May and

L 0. 0. F.

Jone F. Hanz, Grand Secretary, should be a biressee at Nashnille, Teas.

Pennsnet Lodge, No. 1 .- Meets avery Posslay Even ing, at their Hall, on the corner of Perion and Summeg streets. The officers for the present term, are T.H. Mallride, N.G., O. S. Lescour, V.G., John F. Hide, Sepretary ; T. L. Marshall, Treasurer.

Trobac Ludge, No. 16-Moste at the sums place every Mumbley Ryenting. The officers are: Bebert Thompson, N.O., R. A. Cam, boll, V.G., Henry Apple, Secretary ; H. F. Breun, Treasurer.

are: J. P. Kenber, N.O.; O. C. Cwerr, V. O., T. H. Haden, Secretary | W. M. Mallery, Transpor-

Aurora Zodge, No. 105, (diremov)-Mocis at the Hall, corner of Union and Summer streets, every

Thursday Evening. The officers are R. Dustaffrens, N & .: Charles Blob V G. John Rerberich, Secretary Oso. Solferle, Tronxgrer. Ridgely Encorrement, No. 1 -- Moots at the above Harl

on the first and third Wednesdays of each mouth The officers are U.S. Lessour, U.P., J. S. Mills, H.P., T. H. Moffride, S.W. P. H. Coleman J.W., R. H. Mc Ewen, Scribe; H. R. Cutter, Tecutaror. Olive Branch Economposent, No. 4.-Marts at the

shows Hall on the second and fourth Wednesday nights of each mouth. The others are: R. Lehman, C.P., Jas. T Bet, H.P., Heury Apple, Sw., L. H. Hitchcock, J.W. - F. C. Muss, Stribe, J. N. Ward,

ARRIVAL AND DEPARTURE OF TRAINS Louisville & Nathwille R R Truin leaves at 7.45, A.M. Nashville & Peculiar R R. Train touver at 6.00, & M. Such & Chattanouga B. S. Train leaves at 10.00, A M. arr. at 1.30, P.M.

ADAMS EXPRESS COMPANY.

Persons wishing to send Proight and Packages by
the Morning Trains of the Louisville are Nam
ville, and Rassville and Denarch Manmonia,
must have the same at the Office by a o'clock the
speciment of the same at the Office by a o'clock the
the evening. OFFICE | No. 51, CHERRY BUREST.

DAVIDSON COUNTY DIRECTORY-Continued.

MILITARY QUARTERS AND OFFICERS, Por Beglquariacs on High street. Seu Dumont

District-Hendquarters on Summer street. (Dr Ford's resalence.) Capt. Green, A. A. G. Proposi Marshal-Readquarters on Church street (Female Academy.) Col. Stanley Matthews. Chief Assistant Quartermester - Headquarters on berry street; No. 10, (Judge Catron's residence.)

Capt. J. D. Bingham. Author Quartermater-Chaitationga Depot-Capt. R. Stovenson. Assistant Quartermaster — Vinc street, near Mrs.

Polk's residence. Capt. R. N. Lemb. Amount Quartermeter-No. 37, Market street.-Capt, J. M. Hate. Chief Commissory-Hendquarters, No. 10, Vine st. Capt. R. Mucfeely.

Commission of Subsessions-Broad street, Capt. S. Little Acting Commissary of Submittace-Corner of Broad and College streets Lieut Charles Allen. Medical Director - Summer affect. (Dr. Ford's old rendence.) Surgeon, E. Swift.

ARRIVAL AND DEPARTURE OF MAILS. Roberts, T. J. Varbrough, Wm. Driver, Wm. Stewart, Northern Mail, via Louisville, arrives Daily, 5:30 P.M. Louis Hough, W. Mullins, James Turner, G. M. Southleaves ** 7.45 A.M. columbia, via T & A. R.S. strives " 6.30 P.M. leaves " 5, 0 A.M. Shelbyville, via N. & C. R.R, arrives " 3.30 P.M. 9 Jenyas 9 10:00 A.M. Lebanon, - . - - arrives " 12.00 M. - - leaves " 2.00 P.M. Momphis Mail, leaves Daily, v.a. Louisville and Calro.

POST-OFFICES OPEN BEYOND LEBANON ARE-Alexandria; Liberty. Gordonaville, Smithville, Watertown, Jenning's Fork. FOST-OFFICES ON LINE OF N. & C. R.R .-Marfreeshore, Fosterville, Jordan's Valley, or Shelbyville, Palmetto.

B. B. CONNOR & BRO., COMMISSION MERCHANTS, NO. 5 COLLEGE STREET.

New Stock Just received and for said low to close out Consignments, 200 Bbis. Palt, for sale by CONNOR & BRO. 1()O boxes SALT, for sale by CONNOR & BRO. 5O Code REPE, for safe by CONNOR & BRO. 40 this Coal Offs, for take by CONNOR & BRO

10 half hible. Coal OIL, for caleby CONNOR & BRO. 150 dozen BROOMS, for male by CONNOR & BRO. 50 hoxes SUAP, for sale by CONNOR & BRO.

50 hoxes STARGH, for sale by CONNOR & BRO. 12 there TEA, by sale by CONNOR & BRO 12 haff cheets TEA, for sale by connor a BRO. 12 cadies TSA, for sale for

CONNOR & BRO. 10 boxes Yeast POWIGERS, for sale by CONNOR & BRO. 20 such Schot, for sale by CONNOR 4 BRO 100 spor WATCHES, for sale by CONNOR 4 BRO. 25 become Star CANDLES, for sale by CONNOR & BRO. 25 boxen COFFEE, for sale by CONNUR & CO. 14 title VINEGAR, (r sale by CONNOR & BRO. 10 his salmon, I r sale by connect a nec-24 the MACKERST, he sa's by CONNOR & BRO. 5 RIGHERRING, for sale by CONNOR & BRO.

2 km SHAD, for sale by COSNOR & 1980. 19 ap s connor a fig. 10 bble MACKEREL, for sale by CONNOR & BRO. 4 labels Clinick, for sale by CONNOR & DRO

16 house dried HERENG, for sale by CONNOR & BRO. 16 horse front flexibit, for sale by connor a first SO and NAME, for sale by CONNORA BRO.

50 tols Cousined Sugar, for sale by CONNOR & BRO. 125 sp 8 connona inc.

500 and CONNOR & BRO 20 cache Hame, for sale by conno, A BRO 20 casks HDES, for agin by CONNOR & 1810. 200 bits fine PUTATURE, for sale by CONNUR & BRO. 20 bears from tharden SEED, for a to by some as BRO. Simily Ladge, No. 100-Mosts at their Hall, an South Charry street, every Friday Evening. The officers S up 8 CONNOR 4 BRO.

S up 8

10 therees Chowsused HAMS, with a large lot of all or old sorts of Goods, which we will clust out low, at our old stand, No. 5 College street.

1 B. CONNOR & BRO.

DR. COLEMAN'S

THE attention of citizens, atrangure, and others vis-ting Nahiville, requiring modifial aid, is respect-fully called to this office, No. 21. Deatherick street, sec-ond floor, between Charry and the Square. Dr. Consean is an old prescribines of modicine, his abuses unfuncted experience and flattering success for inner years past, in the treatment of ears are like areas, he induced than to devote his mativided attention to all diseases of the main of avoid and the took favoid attention of the most favoid attention.

is most inveserate character have promptly yielded, his improved nosthod of treatment.

Printery, Secondary, Tertiary and Microtitary Myshis, Concertion, Gleat and all diseases of the guirtand upstary organs, ment with no resistance to his and urmary organs, most with no resistance to his remistion.

A "femule troughlattion and functional interests ments of the Worth, and the disease arising from that aton and it ments as a strong from the term of the foreign see the foreign see of Paintin, and of Pier, and Prologues of the horizon, and most cases of Paintin, can be curred by a process hearty shithms. It either of the latter ranes is unitrained by by. Obleman, a curve is treatmainly marranded, as a careful manuscated always possesses the interests of the foreign of an account of funitarity by his improved meetind of operating.

Presons of either and applying in person or by letter (describing rane) of the Brit symptoms of any acute specify disease, can be cored, in rocal cases, by the abortive method, in furty-sight hours.

Reich combinates, prompt attention, and moderate

the evening.

Sheriff's Sale.

D'y virtue of an execution to me directed, and decimic county, Team, at he March term, 1822, I will expose to public sale, to the highest biology, for cash, at the Court bones yard, in the city of Nashvitte, on Saturday, the 26th of July, 1862, all the right, title, claim, interest and estate, which C. D. Elliott then had, or may have since acquired, in shot to the foll wing tract of land bounded as follows, to wit. Bagisting in the middle of the Frankin and Nashville Turnpike road, at A. S. Curry's south-east corner, suming theire south 68th west corner, and one W. P. Lawrence, deceased, east boundary, thence wouth general targets and the store and the sum and the store, deceased, east boundary, thence wouth general 68th, east 1115, poles to the middle of said Turnpike road north the store, deceased, the sum of the middle of and Turnpike east at long and Lawrence's east boundary 15 poles to a time of the middle of said Turnpike road north 1317, west 10.2-5 poles to the beginning, containing farty-three acres, more or less, being levied on as the property of C. P. Effect, to astisfy a judgment rendered favor favor of Thompson & Ce., again C. D. Elliott.

J. M. HINTON, Shoulf of D. C. Sheriff's Sale.

J. M. HINTON, Sheriff of D. C.

Sheriff's Sale. By virtue of an execution to me directed, and de-livered from the Bonerable Circuit Court of Da-By virtue of an execution to me directed, and delinved from the Honorable Circuit Court of Invideon County, Transsos, at its March term, 1862, 1
will expose to public sale, to the highest biddler, for
cash, at the Court house Yard, in the city of Nachville, on Saturday, the 26th day of July, 1882, all the
virbit, title, caim, laterest and easter, which C. D.
17/1001 then had, or may have since acquired in and
to the following theories that the bounded as
follows, to wit: Berjaming in the middle of the
Franklin and Nashville Turnpike roat, at A. S.
Curry's, south-east corner, rouning their esouth
685,", west 84 poles to a stone, being A. S. Curry's
south west corner, and one W. P. Lawrenne, decessed,
east boundary those south 2 cent sing, sald Lawrence's east boundary The poles to a stone, James A.
Wood's north-wort corner, thence north 682, east
1115; poles to the middle of said Turnpike road, being
James A. Wood's north-east corner; thence along the
middle of said Turnpike road sorth 21 M, west 70 2-5
poles to the beginning, containing furly-three acrea,
more or less, being levied on as the property of C. B.
Elliott to satisfy a judgment rendered in favor of
Thompson & Co., against C. D. Elliott

J. M. HINTON, Sheriff of D. C.
June20-Br.

Committed to Jail OF Davidson equity, Tenn., June 10, 1862, a negrogal, who says her name is JOANNA, and belongs to Robert Williams, of Franklin, Ky., ags about 17 or 18 years; 5.5est 2 inches high; ; weigus about 120 bounds; dark copper cotor. The owner is requested to come forward, prove property, and pay charges as the law directs.

J. M. HINTON, june 20-31.

Committed to Jail OF Davidson county, June 10th, 1862, a negro man who says his name is MiLTON; anys he belongs to Joseph Carter, of Marshall county, Aia, age about 24 years; veighs 165 pounds, 5 feet 7 inches high; color black, sent by burn above the right wrist—The owner is requested to come forward, prore property, and pay charges as the law directs.

J. M. HINTON, june18 it. Sheriff and Jailor D. C.

Committed to Jail Of Davidson country, June 18th, 1862, a negro man who assa his name is DANIEL; says he belongs to Richard Boss, of Marshall country, Ain.; age about 21 or 12 years; weights 160 or 163 lbs.; 5 fost 8 inches light; no marks color black. The owner is requested to come forward, prove property, and pay charges as the law directs.

J. M. HINTON, june18—34 Sherin and Jailor, D. C.

Committed to Jail OF Davidson county, June 11th, 1862, a ne. who says his name is AARON; says he be rears, weighs about 140 or 145 pounds; 5 feet 6 to tigh; no marks; color black. The owner is required. ne forward, prove property, and pay the w directs J. M. HINTON

of to come forwar and the faw directs are the faw directs are the faw directs and Jalier of the faw directs are the faw direct Committed to Jail D' Davidson county, June 12th, 1862 a negre man who mays his name is ALEX; says he belong I lacy Smith, of lavidson county, Tunu, aged bout 21 years; weight 145 or 150 pounds; 8 feet 5; uches high; copper color; no marks. The owner is

me forward, prove property, and pay june18-31 Sherid and Jasogr of D. C. Committed to Jail

O' leavateen compty. June 14, 1867, a magro man who says his name is the 1600 Warfall Notton mays he belongs to vary Ann Yeargan, of Warren county, Ky, agod about 40 years; weighs Fift or 186 the 15 feet T inches high; coter black; small scars of forchead; small goate. The owner is requested to come forward, prove property and pay charges a the law directs. J. M. HINTON, june15-34 Sheriff and Jailor of D. C.

Committed to Jail OF Davidson county, June 15, 1802, a negro man who mays his name is COLUMBUS; says he belongs to Ir. McKiretoks, of Manry county. Tean, age about 10 years; weight about 100 or 145 pounds 2 feet 5; inches high; hong bushy hade; couper color no marks. The owner is requested to nome forward, prove property and pay charger as the law directs.

J. M. HINTON,

June 18—31. Sheriff and Julier of D. U.

Committed to Jail Of Davidson County, Tenn., June 6th, 1862, a ne-gro girl, named SALLE; ways she belongs to livin Hogue, of Manry County, Tenn. Said girl is about 18 or 20 years old; weighs about 120 or 186 pounds; 5 feet 5 inches high; two small scars on forchead; scar on upper lip at the edge of the nine; corner color.

copper color.

The owner is requested to come ferward, provperey, and pay charges, as the law directs.

J. M. HINTON,
junes-5; Shoriff and James of D. C. Committed to Jail O' l'avident County, Tenn., June 5th, 1941, a more gre man named KLJJAH; asys he belongs from Hogos, of Marry County, Tenn; shout 24 or 2 cars old, wegin about 100 or 185 pounds; 5 feet noise high; copper color; small mear under curne fright; copper color; small mear under curne fright;

property, and pay charges, so the law of dreets.

J. M. HINTON,
junes-St. Sheriff and Jailor of D. (Committed to Jail OF Davidson county, on the 12th of Jime, 1862, a says he hedong to home says his name is David, and says he hedongs to home fact, or the result of the resul

perty and pay charges as the law directs,
J.N. Hinton,
juncts—dt Sheriff and Jather of D. C. Committed to Jail Of Pavidson County, Team, June 12, 1862, a belongs to Richd, Hightower, 2 miles beyond lite. wood, in Williamson county Tours, about 23 years ago; weighs about 135 pounds; 6 feet 5); inc high sear on back of left hand. The owner is ne forward, prove property, and pay juncth-St. Sheriff and Jailer of D. C.

TO ICE CONSUMERS! We are selling Pure Lake Ice

AT2 CTS. PER LIB. IN SOUTHBEN FUNDS: I cout per pound less than the "No Monopoly Depot." Der leyet is in the Colomode Hailding, on Charry estreet, june 12—47. U. H. SMITH & CO.

Exchange and Banking Office. THE undersigned have opened as Ulive at No. College struct, (Merchants' Back Building,) buy and sell Exchange, Gold and Silver, Chemic nest claims. Collections in his city premptly attended to A. G. SANFORD & CO.

Nashville, June 18, 1932 - 7w. Engines and Boilers for Sale. Engines and Soliers for Sule.

OFFIR FOR SALE the Engines and Bullers of the Steamure James Woods and James Judowan, as they are its at the Nasdaville Wharf. There are a besign, as feeling 40 inches, and 4 believe in feet rank 40 inches, and made of Cumberland and Teamuseus Milliother from at the least quality. The Engines are 80 Milliother from at the least quality. The Engines are 80 Milliother typinders 12 feel atroke, and two 24 inch yllinders 9 took aground, with charts, flanges, etc.

I also offer for sale the doors, who have 24 inch or steambooks or other purposes, such as long chains, himsely and sterves.

H. T. YELYMAN, june 1891an.

No. 28 Market Street. No. 28 Market Street.

Bolting Cloths.

WM. LYON. 41 Market stress.

Mashville Union.

TERMS: Daity Union, per ausum.....

RATES OF ADVERTISING (THE LINES OF LESS TO CONSTITUTE A SQUARE.)

| The control of the RESEWABLE AT PLEASURE One square, one year, \$50 -each middional square \$10 Written notice must be given to take out and my padvertisements of yearly advertises before the year

Advertisers exceeding the space con metel for will be charged for the excess. "we

SATURDAY MORNING, JUNE 28, 1862

Letter from H. Winter Davis, of Maryland.

BALTIMORE, MD., June 6, 1862. My DEAR Sin: I have tollowed, with great interest and some surprise, the ourse of argument in opposition to the confiscation bills.

Their opponents seem inclined to tritle with the people, or else they have forgotten the simplest elements of law. I observe that some respectable lawyers confound the confiscation bills with bills of attainder or of powers and penalties Congress is rightfully forbidden to pass a bill of attainder; and I would forever

maintain that inhibition. But what is a bill of attainder? It is a law performing the office of a indgment. It is a legislature doing the work of a judge. It is an act of Congress person guilty of a specified act, and ordering his punishment. The passage of

It is ridiculous to call the bills before Congress bills of attainder. They have

word, are either ill-informed or invoke a prejudice to do the work of argument. The bills before Congress name no particular persons, therefore they ponish nobody. They declare that certain acts, committed after their passage, shall be punished by confiscation; but, till the act is committed, no one can be declared guilty of it; they do not, therefore, attaint any one. A bill of attainder relates to the past, and nothing but punishment remains after its passage. The bills before Congress relate to the future-declare the future consequences of future acts, and leave both the person and the fact to be ascertained after the law, delaring the punishment, shall have passed. What excuse is there to confound such

a law with a bill of attainder? - a legislative judgment on a past act with a legislative penalty on a future act? The same gentlemen invoke against the bills the clause of the constitution which declares that "Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corrup-tion of blood or forfeiture, except during the life of the person attainted." But what has that clause to do with laws which confessedly provide for confiscation without conviction of the person for treason. The most plausible objection to the confiscation laws is that they do not make the forfeiture dependent on a previous conviction: it is therefore clear that the clause which defines the consequences of a conviction of the person can have no hearing on a law which prescribes other modes of ascertaining and enforcing a forfeiture. It may be that those methods are forbidden, and if so, the law must fail of execution; but it is irrelevant to quote a rule of judgment defining and limiting the consequences of a conviction

for treason against a law which contemplates neither conviction nor judgment for treason. It is certain that Congress can pass no law whereby a person convicted of treason can be sentenced to forfeit his property. beyond his life, as a consequence of the conviction. Such a law would be void. Such a judgment would vest no title in the Government, and the heirs of the owner could eject any one claiming his

property under the United States. But the provision does not say Congress shall not make forfeiture the penalty of any act, nor even that Congress may not make forfeiture a penalty of treason it-self; it merely says that forfeiture beyoud the life shall not be one of the consequences of a conviction of the person for

Now, the pending bills do not connec confiscation and conviction of the person

for any crime, still less for treason This claim, therefore, whatever it mean and whatever be its effect, has no relation to bills such as those reported by Mr. Elliot. That claim does not prove Mr Ellot's bill to be unconstitutional.

Is there any other clause of the constitution which forbids such legislation? It seems to me the lawyers are especially at fault when they refer to the provisions relating to the trial of all crimes by jury.
No person can be convicted of any

not contemplate any conviction of any person—any proceeding against the person whatever. Still less can any argument be deduced from the fifth amendment, declaring that 'no person shall be held to answer for any capital or other infamous crime, unless on presentment of a grand jury," property without due procesa of law;" for no one is "held to answer" under that purpose.

depriving persons of life, liberty and confiscated. property; and one method does not exbidden and therefore are unconstitutional in all cases. A bill of attainder and an less on the presentment of a grand jury, nor tried otherwise than by a jury of the State and district. If, therefore, Congress pass a bill of attainder against Jefferson Davis, or should enact that a court of admiralty should try and convict for murder, without a jury, or indictment by a grand jury, that law would be unconstitutional, for it is forbidden. It is a trial and a conviction without due process of law, and death under it is murder, and imprisonment under it is an illegal violation of the liberty of the citizen. But it would be a gross error to say that no one can be deprived of liberty or life otherwise than under criminal prosecution, for then the President has murdered many men in the field, and enslaved many men in the military prisons. For men in irms, a bullet is due process of law; seizure by military power is due process of law; they are not conviction, nor trial, nor punishment of the persons, they as as-suredly deprive them of life or of liberty as a conviction and a sheriff, and

they are just as logal as conviction and So there are methods of depriving per-sons of property which are not connected with criminal proceedings againse the person, and provisions which define the mode of proceedings against the person, and limit the consequences of such proceedings, have no relation to processes of law not against the person, which yet do

deprive the person of his property. Taxation deprives the person of his property, not by any judicial process, out by an administrative process-yet it is a process of law, essential to the exisor of Parliament, declaring a particular taking private property for public use, without compensation, to prove the unconstitutionality of taxation, as to invoke the law places the person just where a the prohibitions against making confisconviction and judgment of court places cation a consequence of conviction, to prove that there could be no confiscation

without conviction. . If taxes be not paid, the failure is folno one of the penalties of a bill of at- lowed by seizure and sale, without juditainder, and the word can be applied to them in no sense ever recognized in a lowed by seizure and sale, without judi-power which a free government ought to cial process; for a small amount of taxes wield; least of all does it forbid the concept to construction them in no sense ever recognized in a a large estate may be sold; and that is fiscation of slaves, and emancipation is of the statute, "De donis conditionalce annexed to the illegal act of failing to pay the amount assessed .-Not unfrequently a per centage is added for delay, and levied with the principal of the tax itself. When the sheriff or the marshal, or the collector, sells the property for taxes, that is due process of law, and the change of property is in the nature of a penalty, and the expenses of

the proceedings are veritable forfeitures for illegal acts. It is, therefore, a wholly unfounded assumption that property is liable to be taken for the defaults of the owner only upon or after conviction for an offense by ury and court. Yet it is this confusion between criminal proceedings against the person and proceedings against property ecause of a person's acts which alone

lends plausibility to the argument against the confiscation bills. But so far from being a new method of proceeding, intended to evade the securiies thrown around the person against eriminal prosecutions, it is one of the

oldest forms of proceeding known to our The slightest examination of the revnue laws of the United States will show that, from the foundation of the government, forfeitures for illegal acts have always been enforced in the courts, irrespective of the conviction or prosecution of the guilty person. The fact has been investigated by the Judge without a jury, and the confiscation enforced for eighty years, without any one dreaming that citizens were being punished without either grand or petit jury.

The act of 1799 declares goods entered under fraudulent invoices shall be forfeited; and the forfeiture is enforced by proceeding against the goods and not the person committing the fraud. Surely the men of 1790 knew what their constitution

By various acts of Congress, goods imported in various foreign vessels are forfeired, together with the vessel, and the forfeiture is enforced against the goods and vessel, and not by conviction of the owner or importers.

By our navigation acts, licensed vessels are forfeited for being suployed in the foreign trade, or when found using a forged or altered license, or if sold to one not a citizen; and all these forfeitures are enforced against the vessel directly, and not by conviction of the owner whose property is confiscated

It is a highly penal offence to sell spirituous liquors in the Indian country, and the law not merely ponishes the person who carries liquor there by fine on conviction, but the boats, stores, places of deposit, and packages of the trader are directed to be searched, and if liquor or wine he found there, all the goods, boats, packages, &c., of the trader shall be forfeited to the United States; and the forfeiture is enforced, not by conviction of the person, but by seizure and condemnation of the articles confiscated in procoodings against them. The manner of proceeding for forfeiture under the reveane laws is expressly extended to confiscations under the Indian trading laws. The laws for suppressing the slave trade abound in pointed illustrations.

crime but by a jury; but these bills do Every person concerned in the trade is declared guilty of a crime punishable by indictment, the penalty varying from a heavy fine to death, according to the acts committed; and side by side with these penalties, to be enforced by indictment and conviction, are classes of forfeiture to be enforced by libel against &c.; "nor be deprived of life, liberty, or the thing forfelted. The forfeiture or confiscation depends on the fact of a crime committed, but not on the convicthese laws at all; and the question is tion of the person for the crime. The whether this mode of depriving them of property is not a due process of law for tribunal in either case independently; specified in the bills reported by Mr. Wyndham is said to resemble in appear and it is quite possible that the criminal | Elliot, by proceedings against the prop- | ance Victor Limanuel.

There are various processes of law for may be acquitted while the vessel may be erty, and not in consequence of a convic-

No citizen can hold any title or interclude another method, but each is good est in any vessel engaged in the slavein its particular case, while some are for- trade; and if he do, it is forfeited by proceedings against the vessel and the owner is liable to a penalty beside. The ex post facto law are ferbidden. No person | United States vessels are authorized to can be held to answer for any crime, unthe vessel and everything found on her is forfeited, except the slaves. They cannot be claimed by their owner, even though really slaves by the law of the owner's country. It would seem that the slaves are freed by the law; for the owner cannot claim them, and no one else can show a title to them. These laws do not apply merely to the African slave-trade, out the same penalties and forfeitures attach to transporting from Brazil or Cuba into the United States persons who are slaves by the laws of those countries. The owner loses his vessel, the master his slaves on the vessel, and the persons engaged in the traffic or in navigating the vessel commit a crime for which they are punishable on conviction; but their conviction is not essential to the condemnation of the vessel or the discharge of the slaves.

In some cases persons engaged in the slave trade are guilty of piracy and suffer death; yet in those, as in other cases, the vessel and cargo are confiscated by process against them and wholly irrespective of any conviction of the guilty

The precedents of the slave trade laws are of special interest in relation to the confiscation of the slaves of rebels. The necessary form of confiscation is emancipation. The temper of the country would not tolerate the sale of slaves by the United States; still less would it tolerate the exemption of this species of property from any consequences the law may attach to any property of the rebels. Slave property is the pretext of the rebellion and the chief instrument by which tence of the government. It is just as the revolutionists have coerced submisrational to quote the prohibition against sion to their will. Sound policy requires taking private property for public use, that a weapon of such power be broken or wrested from the hands of the enemies of the government, and nothing ought to arrest the blow but the plain prohibitions of the Constitution; for subordination to the supreme law is the condition of naprovisions strip the government of no an inseparable incident of ownership. Of | ibus;" course, they who call confiscation laws reign of Henry VIII. bills of attainder, will call emancipation of confiscated slaves abolition of slavery in the States by Congress. But no loyal defense of the confiscation bills.

people will confound the release of the The Constitution means just government's title in the slaves confiscated, with a prohibition against holding

any slave in the State. But Mr. Elliott's bill is in one particular wholly indefensible. It violates all Constitutional principles of American law in requiring persons to prove their innocence. It places the title to negro property of loyal people at the mercy of the government, for it strips the owner of powerto prevent confiscation unless he can prove that he has not aided the rebellion, and that is impossible for any one to rove. Require an oath that he has not en so engaged, but do not stain American law with a provision that a man

shall be presumed guilty !! The bill is defective in another particular. It gives the freedman no legal protection. He can, the bill says, plead the law; but the master will never sue him, but seize him. The freedman must be the actor, and the law gives him no standing in court. The United States is in duty bound to extend to him the habeas corpus in a United States court which now no law gives him; and if these be not done the act of emancipation will give no real freedom, but will be merely a source of endless confusion. Men freed by the law of the special session are now suffering in Maryland for want of such

provision. The slave trade laws were passed in 794, 1800, 1807, 1818, 1819 and 1820 in the administrations of Washington, dams, Jefferson and Monroe. They involve every principle now assailed in the confiscation bills—from the confiscation of property for criminal acts of the owner, without conviction of the guilty person, by process of law against the hing, and not against the person, to the recing of slaves for the violation of law y their owners.

It is therefore frivolous to assail these laws on the ground of unconstitutionality. If any principle is settled by the uniform practice of the government, it is this principle of confincation for criminal acts by direct process against the property confiscated, and wholly without re-

gard to the conviction or prosecution of the guilty person. This review of congressional enact ments may well increase our astonishment at the hardihood of the assailants of these laws. They treat the precedents of the founders of the government with no mose respect than they do the constitution they made. Their objections to the bills are plausible only when the language of the constitution is perverted or misapplied; and that distortion can only escape exposure by carefully ab-staining from all consideration of the cotemporary exposition of the constitu-

tion by its authors. It appears, therefore, from this investi-

I. That there is no prohibition in the Constitution against making confloration. a penalty of any erime. II. There is nothing in the Constitation which makes confictation de- tera of recommendation from high mile pendent on the conviction of the person stary officers of Europe, among which was on indictment.

ife of the guilty person. IV. The only clause relating to the vice, he uniformly declined.

tion of the person. VI. And the whole course of legislation of the country has sanctioned the distinction by laws passed under the auspicies of the fathers of the Constitu-

If any one ask, Why prohibit confiseation in pursuance of conviction, and allow

it without conviction? I reply: The burden of showing the anconstitutionality of the law lies on those who affirm it. They cannot defeat it by showing that the Constitution has forbidden it in cases not now contemplated. The question is what the Constitution says against confiscation without conviction of the person; and I say it is ailent. It limits confiscation as the consequence of conviction; and there it

It is possible a reason may be found for this limitation in connection with a conviction, in the spirit which dictated the definition of treason while other crimes were left to the definition of Con-

Treason had been the pretext of many

bloody judicial murders in English history; constructive treasons were the contrivances of jealous tyrants or greedy applicants or flerce opponents. To limit the crime to open war, to require double proof, to remove the temp-tations of cupidity from among the mo-tives of prosecution of the person, were hought correctives to the political or personal passions which might prompt un-

death. The temptation of covetonsness was removed when conviction could involve forfeiture only between judgment and execution! But a confiscation enforced by other rocess of law than a conviction of the person followed by a bloody end, was ubject to no such objection; and it was

just or revengeful prosecutions to the

justly left to the wisdom and moderation of Congress-for emergencies like the present. It is quite certain that the restriction of confiscation in consequence of conviction and attainder to the life of the person convicted, is not restricted to lands and still more certainly has no reference to estates tail. They were liable at common law to forfeiture by attainder under tional existence. Fortunately its wise their form of conditional fees, though singularly enough a distinguished Senabut lost their exemption in the

Such attempts to escape a Constitutitutional difficulty merely discredit all

The Constitution means just what it says; and the opponents of confiscation try to make it mean what it does not say. cave that style of argument to them, in ommon with those strict constructionists who have found the denial of powers to Congress the most effectual way of eaving the government disarmed and powerless in the face of the rebellion in

arms. The real explanation of the restriction, as well as of the careful definition, of treason, I think I have above given. ndicates the desire to exclude political mention, but not to deprive the government of any power essential to the maintenance of the government against the temptation of ambition or the violence of insubordinate factions.

It is quite certain that neither of the provisions respecting treason prevents the mnishment of acts which amount to treason under other names and free from those restrictions. The traitors who burned the Maryland bridges and shot the Massachusetts men on the 19th of April were guilty of treason; but they were also guilty of resisting the laws of the United States, and of a riot, and obstructing mail routes; and for any of those crimes any punishment, any confis-cation may be Constitutionally imposed as the consequence of the judgment, and one witness may prove them. Still, the Constitutional provision is a

tion, especially suited to these times. Very sincerely your friend, HIGHY WESTER DAVIS, Hon. Justin S. Morrill, Washington.

salutary admonition in favor of modera-

Col. Sir Percy Wyndhum. Col. Sir Percy Wyndham, of the first New Jersey cavalry, was taken prisoner by the rebels under Jackson, near Haronburg, while serving under Fremont. He was born of French and English parents, at sea, on board the ship-of-war Arab, in February, 1833, and is consequently in his twenty-ninth year. was taken to the East Indies, where his farther was in service, and at an early age followed his farther's example and entered the British service. He subseuently joined the French army, and afterwards joined the Austrian army, where he serverd eight years, alfaining the rank of captain. When the allies set out for the Crimes, he left the Austrian and joined the Italian army, and at the time he left Italey for this country he was Licutenant Colonel, commading Second Brigade, Italian army. He has been through five campaigns and has received two promotions, (Major and Lieutenant Colonel) on the field of battle ; be was also decorated with the military of forder Same at the battle of Volturno (Capula.) Colonel Wyndham, on the breaking

f one year to visit this country, with rmission to enter the service of the United States. He came with many lettion which limits all conflications to the our Government tendered him many staff appointments; but desiring active sersubject simply forbids Congress to make forfeiture beyond the life of the convict a consequence of consistent for females.

V. Rotti does not not see that Congress to make with many disappointments, but finally govern w Olden, of New Jersey became acquainted with the facts, and upon see-V. But it does not say that Congress ing the Colonel's credentials, he lumedi-

out of the rebellion obtained a furlough